

1825 Foster Avenue, Suite 1K  
Brooklyn, New York 11230  
t: (718) 783-3682  
e: ezra@spilkelaw.com  
www.spilkelaw.com

May 21, 2023

By ECF

The Honorable Sidney H. Stein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: *United States v. Oliver et al.*, No. 19 Cr. 568 (SHS)

Dear Judge Stein:

With the consent of the Probation Department and on behalf of Hugho Witter, I write to respectfully request an order terminating the last eight months of Mr. Witter's supervised release. Mr. Witter's supervision terminates on January 13, 2024.

"Supervised release, in contrast to probation, is not a punishment in lieu of incarceration." *United States v. Granderson*, 511 U.S. 39, 50 (1994). Rather, "the primary goal of [Supervised Release] is to ease the defendant's transition into the community after the service of a long prison term for a particularly serious offense, or to provide rehabilitation to a defendant who has spent a fairly short period in prison for punishment or other purposes but still needs supervision and training programs after release." S. Rep. No. 98-225, at 124 (1983), *as reprinted in* 1984 U.S.C.C.A.N. 3182, 3307.

"The court may . . . terminate a term of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). Judge Garaufis noted:

The Judicial Conference on Criminal Law has elaborated on 18 U.S.C. § 3583(e)(1)'s statutory criteria and recommended that parole officers evaluate nine factors when deciding whether to approve early termination of supervised release. Those factors are:

- 1) Stable community reintegration (e.g., residence, family, employment);
- 2) Progressive strides toward supervision objectives and in compliance with all conditions of supervision;
- 3) No aggravated role in the offense of conviction, particularly large drug or fraud offenses;

Hon. Sidney H. Stein  
Re: Witter Early Termination

March 23, 2020  
Page 2 of 2

- 4) No history of violence . . . ;
- 5) No recent arrests or convictions . . . ;
- 6) No recent evidence of alcohol or drug abuse;
- 7) No recent psychiatric episodes;
- 8) No identifiable risk to the safety of any identifiable victim; and
- 9) No identifiable risk to public safety based on the Risk Prediction Index.

*United States v. Filocomo*, No. 02CR30731S16NGG, 2022 WL 118735, at \*1 (E.D.N.Y. Jan. 12, 2022) (quoting Monograph 109, *Supervision of Federal Offenders* § 380.10(b)(1)-(9)).

As Probation can confirm, Mr. Witter has maintained stable, on-the-books employment for the last year at Millennium Development, a nonprofit that provides after-school programs for our youth and oversees nine senior centers throughout Brooklyn and Queens. He works as a driver. Mr. Witter lives in Canarsie, Brooklyn. He is supervised by the Probation Department for the Eastern District of New York and is compliant with all conditions of supervision. He sees his adult children regularly, three of whom live nearby in Essex County, New Jersey.

Mr. Witter is sixty years of age. This was his first arrest. He played no major role in the crime and stood to gain less than two percent of the value of the sham cocaine that he was to help buy. He has no history of violence, no recent arrests, no recent psychiatric episodes, and no identifiable risk to public safety.

I have conferred with U.S. Probation Officer Lisa Famularo, who advises me that Probation has no objection to this request. I have also conferred with AUSA Sarah Mortazavi, who advises me that the government takes no position.

Early termination is a critical incentive and a meaningful reward. It is often a welcome counterpoint to the length and severity of prior incarceration. It is warranted here.

Respectfully submitted,

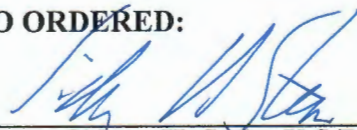
/s/ Ezra Spilke  
Ezra Spilke  
1825 Foster Avenue, Suite 1K  
Brooklyn, New York 11230  
(718) 783-3682  
Counsel for Hugho Witter

cc: USPO Lisa Famularo, by email

**Defendant's request for early termination of supervision is granted.**

**Dated: New York, New York  
May 22, 2023**

**SO ORDERED:**



**Sidney H. Stein, U.S.D.J.**